

CHAPTER NO. 914

SENATE BILL NO. 3373

By Herron, Cooper, Bowers, Burks, Finney

Substituted for: House Bill No. 3784

By Rinks, Borchert, Eric Watson, McKee, Roach, Harrison, Overbey, Coleman, Mr. Speaker Naifeh, Bone, West, Marrero, Lois DeBerry, Rowe, Larry Turner, Henri Brooks, Sontany, Pruitt, Langster, Sherry Jones, Moore, Litz, Ulysses Jones, Bunch, Baird, Towns, Eldridge, Hill, Curtis Johnson, McDonald, Hensley, Gresham, McMillan, Windle, Pinion, Niceley, McCormick, DuBois, Stanley, Bo Watson, Ferguson

AN ACT to amend Tennessee Code Annotated, Title 58, Chapter 1, relative to the military family assistance trust fund.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 58, Chapter 1, is amended by adding the following sections as a new Part 7:

Section 58-1-701. There is hereby created within the general fund a special account to be known as the "military family assistance trust fund".

Section 58-1-702. Moneys in the fund shall be invested by the state treasurer for the benefit of the fund pursuant to § 9-4-603.

Section 58-1-703.

(a) The military family assistance trust fund is created as a separate revolving fund. The trust fund shall consist of grants, contributions, appropriations, or other moneys made available for the purpose of the trust fund.

(b) All interest and earnings of the fund shall remain a part of the fund.

(c) No part of the fund shall revert to the general fund on any June 30, but shall remain a part of the revolving fund available for expenditure in accordance with the provisions of this part.

Section 58-1-704.

(a) The military family assistance trust fund board is hereby created for the purpose of administering the trust fund created pursuant to Section 1 of this act. The board shall be attached to the Department of Military Affairs for administrative purposes. The board shall be composed of six (6) members as follows:

(1) Three (3) members, who are expert in military family matters, who shall be appointed by the governor;

(2) One (1) member, who is expert in military family matters, who shall be appointed by the Speaker of the Senate;

(3) One (1) member, who is expert in military family matters, who shall be appointed by the Speaker of the House of Representatives; and

(4) The adjutant general, who shall serve as a nonvoting member.

(b) The adjutant general, or a majority of the board members, shall arrange for the first board meeting as soon as practicable after all board members are appointed.

(c) Appointed board members shall serve without compensation but may receive reimbursement for their actual and necessary travel expenses incurred in the performance of their duties. All reimbursement for travel expenses shall be in accordance with the provisions of the comprehensive travel regulations as promulgated by the Department of Finance and Administration and approved by the attorney general and reporter.

(d) The term of each appointed member shall be four (4) years.

(e) An appointed member whose term has expired may continue to serve until a successor is appointed and qualifies. A member who is appointed to an unexpired term shall serve the rest of the term and until a successor is appointed and qualifies. A member may serve two (2) consecutive four (4) year terms and shall not be reappointed for four (4) years after the completion of those terms.

(f) A majority of the full membership of the board shall constitute a quorum.

(g) At its first meeting, the board shall elect, by majority vote, a chair who shall preside at all meetings and coordinate the functions and activities of the board. The chair shall be elected or reelected each calendar year thereafter.

(h) The adjutant general shall not serve as the chair of the board.

(i) The board shall meet at least two (2) times annually but may meet more frequently, as deemed necessary, subject to call by the chair or by request of a majority of the board members.

Section 58-1-705.

(a) During active duty of a regular member of the United States Armed Forces deployed outside the United States who names Tennessee as home of record for military purposes, or any federal active duty of a member of a state national guard or a reserve component, who names Tennessee as home of record for military purposes, and for ninety (90) days following the end of deployment outside the United States or deactivation, as appropriate, trust fund moneys shall be used to support:

(1) The person who names Tennessee home of record for military purposes;

(2) The person's Tennessee resident spouse; and

(3) The person's dependent or dependents.

(b) An application for a trust fund grant may be filed by the member who names Tennessee as home of record for military purposes, the member's Tennessee resident spouse, or the member's children's parent or guardian. The application shall be accompanied by an appropriate authorization to access personnel information contained in the military database defense enrollment reporting system for verification purposes.

(c) Subject to the availability of trust fund moneys, the adjutant general shall award a grant to an applicant if that person's application is need-based, and the amount of the grant does not exceed the dollar cap established by the board through the promulgation of rules and regulations. An application shall be need-based if:

(1) Funds are requested for necessary expenses incurred, or to be incurred. Necessary expenses shall include, but not be limited to:

(A) Housing;

(B) Utilities;

(C) Groceries;

(D) Health insurance copays; and

(E) Child care;

(2) The necessary expenses created, or will create, an undue hardship on a person referred to in subsection (a);

(3) The undue hardship is directly related to the member's deployment outside the United States or federal active duty, as appropriate;

(4) The applicant does not have reasonable access to any other funding source, whether public or private; and

(5) The military family assistance trust fund is the last resort for the applicant.

(d)(1) The adjutant general shall award or decline to award a grant within sixty (60) days of receiving an application.

(2) If the adjutant general awards or declines to award a grant, the adjutant general shall state in writing the reason for the decision and keep the writing on file.

(3) If the adjutant general declines to award a grant, the adjutant general shall provide the applicant with a copy of the writing required by subdivision (2). In addition, if the adjutant general declines to award a grant due to the lack of availability of public or private funds, the adjutant general shall identify sources of

available funds for the applicant and provide assistance with regard to seeking funds from that source.

(4) If the adjutant general declines to award a grant, an applicant may file a written request to the military family assistance trust fund board asking that the entire board review the application.

Section 58-1-706. Each year between August 15 and September 1, the military family assistance trust fund board shall provide a written report to the governor, to the Speaker of the Senate and the Speaker of the House. The written report shall provide:

(1) The board's activities during the previous fiscal year;

(2) What moneys were spent out of the military family assistance trust fund and the purposes for which such moneys were spent;

(3) The amount of money left in the fund; and

(4) Any recommendations for future initiatives with regard to the trust fund and its administration.

SECTION 2. This act shall take effect July 1, 2006, the public welfare requiring it.

PASSED: May 27, 2006


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 20th day of June 2006


PHIL BREDESEN, GOVERNOR